

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

| | | |
|-------------------------|---|---------------------|
| SUN OPTICS, INC., |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | C.A. No. 07-137-SLR |
| |) | |
| FGX INTERNATIONAL INC., |) | |
| |) | |
| Defendant. |) | |

DECLARATION OF ALEC TAYLOR

I, ALEC TAYLOR, state as follows:

1. I am employed by FGX International Inc. ("FGX"), the defendant in the above-captioned Action. I have been employed continuously by FGX since October, 2005, and I serve as FGX's chief executive officer.

2. I am fully familiar with the facts set forth herein, am authorized to make the statements herein on behalf of FGX, and respectfully submit this declaration in support to FGX's Opposition to plaintiff's July 5, 2007 Motion for Leave to File Evidence Arising After Oral Argument in Support of Plaintiff's Motion for Preliminary Injunction in *Sun Optics, Inc. v. FGX International Inc.*, CV 07-137 (SLR).

3. In 2004, FGX acquired Magnivision, Inc. ("Magnivision"). Magnivision was later merged into FGX.

4. Magnivision had sold reading glasses to CVS for many years prior to December 13, 2002, which I am informed is the earliest filing date of the three patents asserted against FGX. After acquiring Magnivision, FGX continued the business relationship with CVS, a relationship which continues to this day.

5. Attached as Exhibit 1 is a physical sample of one of the Foster Grant eyeglass cases pictured in plaintiff's Exhibit B.¹

6. Attached as Exhibits 2 and 3 are samples of the eyeglass cases accused of infringing plaintiff's design patents, U.S. Patent Nos. D525,427 and D527,180 respectively.

I declare under penalty of perjury that the foregoing is true and correct. Executed on July 18, 2007.



Alec Taylor

¹ Physical samples of the exhibits will be submitted to the Court and to opposing counsel.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

SUN OPTICS INC.,

Plaintiff,

V.

FGX INTERNATIONAL INC.,

Defendant.

C.A. No. 07-137-SLR

CERTIFICATE OF SERVICE

I, Sandra G. M. Selzer, being duly sworn according to law, deposes and says that I am employed by Greenberg Traurig, LLP, which is counsel for FGX International, Inc. and hereby certify that on the 19th day of July 2007, I caused copies of the following to be served upon the parties listed below in the manner indicated.

- Opposition to Plaintiff's Motion for leave to File Evidence Arising After Oral Arguments in Support of Plaintiff's Motion for Preliminary Injunction [Docket No. 49]
- Declaration of Alec Taylor [Docket No. 50]

Via Hand Delivery


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Via U.S. Mail

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Dated: July 19, 2007

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